

WPA 1356 of 2024

Dr. Subrata Kumar Ray
Vs.
The State of W. B. & Ors.

Mr. Kallol Basu
Mr. Suman Banerjee
Mr. Atreya Chakraborty
.....**For the Petitioner**
Mr. Hemanta Kumar Das
..... **For the State**
Mr. Amitava Chaudhuri
Mr. N. Roy
.....**For the University**

The petitioner received a superannuation notice dated January 15, 2024, whereby he was asked to retire upon attaining the age of 60 years from the post of Inspector of Colleges at Kalyani University. The petitioner seeks the benefit of a Government circular dated February 24, 2021, whereby the retirement age of some administrative posts including the post of Inspector of Colleges was enhanced from 60 to 65 years.

The relevant part of the said circular is quoted below:

“After careful consideration of the matter, the Governor is pleased to enhance the retirement age of the Registrar, Controller of Examinations, Inspector of Colleges and Dean of Students’ Welfare, Deputy Registrar, Deputy

Controller of Examinations, Deputy Inspector of Colleges and Secretary, Council of PG & UG Studies and College Council of the State-aided Universities having continuous teaching background/ experience of minimum 10 years in any State-aided University or College, up to Sixty five (65) years with effect from the date of issuance of this notification, for smooth running of the academic and administrative activities, in terms of Section 4 of the West Bengal Universities (Control of expenditure) Act., 1976 as amended from time to time”.

Mr. Amitava Chaudhuri, learned advocate appearing for the University and Mr. Hemanta Kumar Das, learned advocate appearing for the State jointly submit that the petitioner does not have continuous ten years’ teaching experience. Therefore, he is not entitled to get the benefit of the aforesaid circular dated February 24, 2021.

Mr. Chaudhuri, learned advocate has handed over a chart illustrating the teaching experience of the petitioner before joining Kalyani University on May 5, 2006. For the purpose of clarity, the chart is quoted below:

Name of Institution	Nature of Post	Date of Joining	Permanent or Temporary	Date of Leaving	Reasons of leaving the post
University of North Bengal	Lecture in Chemistry	30.01.1995	Permanent	01-06-1999	CAS to the Senior Scale
University of North Bengal	Lecture in Senior Scale	02-06-1999	Permanent	09.02.2004	To Join in Jadavpur University as Secretary, Faculty Council of Science
Jadavpur	Secretary,	10/02/2004	Permanent	18-3-2005	The

University	Faculty Council of Science				person holding lien at NBU
University of North Bengal	Reader in Chemistry	19/03/2005 (19/03/2005 & 20/03/2005 was Saturday and Sunday respectively) 21/03/2005	Permanent	04-05-2006	Joining to the post of Secretary Faculty Council K.U.
Kalyani University	Secretary Faculty Council	05-05-2006	Permanent	23-12-2009	Joining to the post of Inspector of Colleges
Kalyani University	Inspector of Colleges	24-12-2009	Permanent	continued	

The veracity of the aforesaid chart is not disputed by the petitioner or by the State.

Having served about 9 years 10 days at North Bengal University as lecturer, he joined Jadavpur University as the Secretary, Faculty Council of Science and served there from February 10, 2004 to March 18, 2005. Subsequently, again he returned back to North Bengal University as a Reader in Chemistry, serving from March 19, 2005 to May 4, 2006. Thereafter, he joined Kalyani University on May 5, 2006 as the Secretary, Faculty Council. Consequently, the petitioner accrued a cumulative teaching experience of more than ten years before assuming the role of Inspector of Colleges at Kalyani University. His continuous teaching service was singularly disrupted during his tenure as the Secretary, Faculty Council of

Science at Jadavpur University from 10.02.2004 to 18.03.2005.

No doubt, a literal interpretation of the circular dated February 24, 2021, would lead to a conclusion that the petitioner is not entitled to the benefit of the circular dated February 24, 2021.

However, in my view, the words 'having continuous teaching background/experience of minimum 10 years' warrants an interpretation aligned with the underlying object of the circular dated February 24, 2021.

The circular has been issued with the objective of safeguarding the interests of the employees who have transitioned from teaching posts to administrative roles at a university or college.

As indicated in the preamble of the circular, the retirement age of teachers in State-aided universities/colleges has been extended to 65 years. Consequently, it became imperative to similarly extend the retirement age of the employees who transitioned from teaching posts to administrative roles. Failure to augment the retirement age for these administrative positions might dissuade teachers from opting for such roles, as premature retirement would not be conducive to their interests.

Given the benevolent nature of the circular dated February 24, 2021, the word "continuous" needs to be interpreted liberally to accommodate employees

who have spent a substantial period of their career in teaching posts.

The application of such liberal interpretation would, however, depend on facts of the each case.

I am of the view that in light of the petitioner's aggregate teaching experience exceeding 10 years, with more than 9 years being continuous, he should not be deprived of the benefit of the circular dated February 24, 2021, notwithstanding a literal interpretation of the qualifying criterion.

Accordingly, the writ petition stands allowed by setting aside the notice of superannuation dated January 15, 2024. It is declared that the petitioner should retire at the age of 65 years giving benefit of circular dated February 24, 2021.

(Kausik Chanda, J.)